

## REMARKS

### Rejections Under 35 U.S.C. §102

Claims 1, 11, and 21 – 23 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. 5,423,102 issued to Madison (hereinafter "Madison") for the reasons of record stated on page 2 of the Office Action.

Applicants respectfully traverse this rejection. Page 2 of the Office Action indicates that Madison discloses a method of cleaning an inanimate surface comprising providing a motorized stain-removal brush having "*a cleaning efficiency angle of from between about 0 degrees to 100 degrees*". Applicants respectfully disagree with this assertion. Madison purports to relate to a portable hand held cleaning device adapted to receive various cleaning implements. [See Madison column 2, lines 8 – 11]. Madison does not teach *inter alia* a cleaning efficiency angle of from between about 0 degrees to 100 degrees. Hence, as Claims 1, 11, and 21 – 23 are not anticipated by Madison, Applicants respectfully request that this rejection be reconsidered and withdrawn.

### Rejections Under 35 U.S.C. §103

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Madison in view of U.S. Patent No. 6,233,771 issued to Hortel et al. (hereinafter "Hortel et al.") for the reasons of record stated on page 3 of the Office Action.

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Madison in view of Hortel et al. and further in view of U.S. Patent No. 4,097,953 issued to McKinney et al. (hereinafter "McKinney") for the reasons of record stated on page 3 of the Office Action.

Claims 4 – 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Madison for the reasons of record stated on page 4 of the Office Action.

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Madison in view of U.S. Patent No. 5,875,509 issued to Faca (hereinafter "Faca") for the reasons of record stated on page 4 of the Office Action.

For the reasons discussed above, the cited art does not disclose *inter alia* a cleaning efficiency angle of from between about 0 degrees to 100 degrees. Hence, as Claims 2 – 18 are unobvious in light of the cited art, Applicants respectfully request reconsideration and withdrawal of these rejections.

### Double Patenting Rejection

Page 5 of the Office Action indicates that Claims 1 and 19 are provisionally rejected on the basis of non-statutory obviousness-type double patenting as being unpatentable over Claims 1 and 22 of copending U.S. Patent Application No. 10/659,868 and over Claims 1, 13, and 20 of copending U.S. Patent Application No. 10/937,003. The submission of a Terminal Disclaimer

would appear to be premature at this stage of prosecution. However, once patentable claims are agreed to, an appropriate Terminal Disclaimer can be provided, if still deemed necessary.

#### SUMMARY

This is responsive to the Office Action dated October 6, 2006. As the rejection of Claims 1, 11, and 21 - 23 under 35 U.S.C. §102 and the rejection of Claims 2 - 18 under 35 U.S.C. §103 have been overcome, Applicants respectfully request reconsideration and withdrawal of these rejections and allowance of these claims.

Respectfully submitted,  
FOR: FRANCE ET AL.;

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February 6, 2007  
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